



September 25, 2008

MEMORANDUM FOR RICHARD E. STICKLER  
Acting Assistant Secretary for  
Mine Safety and Health Administration

THROUGH: CHARLES J. THOMAS *Charles J. Thomas*  
Director of Accountability for  
Mine Safety and Health Administration

FROM: JERRY KISSELL *Jerry Kissell*  
Accountability Specialist

SUBJECT: MSHA Office of Accountability Audit, Hazard, Kentucky,  
Field Office, and [REDACTED]  
[REDACTED]

### Introduction

This memorandum summarizes the Office of Accountability audit of the subject mine and field office. Audit subjects included the Uniform Mine File, MSHA field activities, level of enforcement, Field Activity Reviews (FARs), MSHA supervisory and managerial oversight, mine plans, and the conditions and practices at the facility. The audit was conducted during the week of [REDACTED] by Jerry Kissell. Positive findings and issues requiring attention are included in this audit report.

### Overview

The auditor traveled to the Hazard, KY field office and the [REDACTED] to observe and evaluate enforcement activities, supervisor oversight, management oversight, and facility conditions. Accompanying the auditor was [REDACTED]. Facility areas examined include all levels (floors) of the process facility, the refuse belt conveyor, both draw tunnels and conveyors, both finish product conveyors, both dump points, access travel ways. Roadways, berming and signage all appeared adequate. Hand held multi-gas detectors were used to sample in the draw tunnels and SCSR's were also inspected.

The audit revealed many positive findings related to MSHA field activities and mine conditions, including well organized pre-inspection conferences, and enforcement actions on all levels from 104(a), 104(b), 104(d), and 107(a). Other positives included

good communication and professional relations with the operator. FARS and AA's were detailed and in depth second level reviews. Conditions at the mine site were reflective of the inspection reports. The housekeeping was outstanding; PPE was made available throughout the facility at "PPE stations". Please see (Attachment B).

No violations were observed or issued during this audit. The level of enforcement appears accurate and fair for the conditions observed at the facility. (The facility has been issued 6 citations in the past 2 years). Contract trucking services have received the remainder of the violations at this plant. The district has held a meeting with the company and the contractor trucking services to identify the enforcement concerns on these contractors.

Issues that require corrective actions:

Inspection event sheet activity calendar is not accurately documented. (Item 1)

SCMI must conduct a thorough review of inspection reports, time reporting and violations. (Item 1)

*Corrected: The event sheet activity calendar has been corrected and the inspectors have been instructed to thoroughly review all inspection reports, people time, and violation count.*

### **Audit Results**

The attached checklist addresses the findings of this audit. Positive results as well as issues that need to be addressed are covered in the checklist.

### **Attachments**

- A. OOA Checklist with comments
- B. Photo's of PPE Station Supplies

District  Field Office  Mine ID  Date

1. Coal  Metal/Nonmetal

Evaluate supervisory review of inspection reports and documentation for completeness.

Adequate  Inadequate  Not Applicable  Comments Below

SCMI failed to verify the accuracy of the event Calendar.

Event # ██████████ one inspector charged time to the event but failed to sign the event sheet. Additionally 7 different occurrences of time being charged to the event existed where the calendar boxes failed to be checked properly.

Event # ██████████ - Time was charged to the event on 4/2/08 but the event Calendar was not checked. *Authority-Coal Inspection Procedures Handbook*

Action required- SCMI need to improve work product reviews to ensure accuracy of inspection reports, citations, event calendars, and field notes.

(The event calendars have been updated to reflect the correct information for the events, and the inspectors were instructed by management to thoroughly review all inspection reports, time reporting and violations.)

2. Coal  Metal/Nonmetal

Determine if supervisors address report deficiencies immediately

Adequate  Inadequate  Not Applicable  Comments Below

Reference Item 1, these errors were not identified or corrected until the audit revealed this information.

District

Coal Dist 7

Field  
Office

Hazard, KY

Mine ID

Date

3. Coal  Metal/Nonmetal

Determine if supervisors are visiting each assigned mine at least annually

Adequate

Inadequate

Not  
Applicable

Comments Below

4. Coal  Metal/Nonmetal

Evaluate the quality of Field Activity Review reports (FARs)

Adequate

Inadequate

Not  
Applicable

Comments Below

Well documented and corrective issues discussed and detailed.

5. Coal  Metal/Nonmetal

Determine if supervisors/managers are identifying and addressing performance or behavior based issues during and after accompanied inspections are conducted

Adequate

Inadequate

Not  
Applicable

Comments Below

6. Coal  Metal/Nonmetal

Evaluate the quality of Accompanied Inspections

Adequate

Inadequate

Not  
Applicable

Comments Below

District

Coal Dist 7

Field  
Office

Hazard, KY

Mine ID

Date

7. Coal  Metal/Nonmetal

Determine if supervisors are thoroughly reviewing mine files at least annually

Adequate  Inadequate  Not  
Applicable  Comments Below

8. Coal  Metal/Nonmetal

Determine if Assistant District Manager is holding supervisor accountable for general mine visits, FARs, and accompanied activities

Adequate  Inadequate  Not  
Applicable  Comments Below

20. Coal  Metal/Nonmetal

Determine if supervisors are adequately evaluating the level of enforcement by visiting each producing mine

Adequate  Inadequate  Not  
Applicable  Comments Below

23. Coal  Metal/Nonmetal

Determine if second level reviews and Peer Reviews are used to assess supervisory review of enforcement actions

Adequate  Inadequate  Not  
Applicable  Comments Below

District

Field Office

Mine ID

Date

29. Coal  Metal/Nonmetal   
Determine if complete and thorough inspections are being conducted and adequately documented

Adequate  Inadequate  Not Applicable  Comments Below

30. Coal  Metal/Nonmetal   
Determine if inspection notes, air samples, rock dust samples, and tracking map/diagram support the inspector's assertion that the mine was inspected in its entirety

Adequate  Inadequate  Not Applicable  Comments Below

31. Coal  Metal/Nonmetal   
Determine that the inspector spent sufficient time on off-shifts and on weekends

Adequate  Inadequate  Not Applicable  Comments Below

Recommendation - more off shift time could be applied.

34. Coal  Metal/Nonmetal   
Determine if all mine record books, postings, and other required materials are examined during the inspection

Adequate  Inadequate  Not Applicable  Comments Below

Preshift/onshift log was current and well maintained.

District

Coal Dist 7

Field  
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Hazard, KY

Mine ID

Date

37. Coal  Metal/Nonmetal

Evaluate each citation/order/safeguard for inspector's determination of gravity, negligence, number of persons affected, and the level of enforcement

Adequate  Inadequate  Not Applicable  Comments Below

38. Coal  Metal/Nonmetal

Accompany and evaluate inspector's imminent danger run

Adequate  Inadequate  Not Applicable  Comments Below

39. Coal  Metal/Nonmetal

Check adequacy of preshift/onshift examinations

Adequate  Inadequate  Not Applicable  Comments Below

Detailed, timely exams are being conducted.

41. Coal  Metal/Nonmetal

Evaluate operator's workplace examinations

Adequate  Inadequate  Not Applicable  Comments Below

District

Coal Dist 7

Field  
Office

Hazard, KY

Mine ID

[REDACTED]

Date

[REDACTED]

57. Coal  Metal/Nonmetal   
Observe and evaluate fire detection methods

Adequate  Inadequate  Not Applicable  Comments Below

59. Coal  Metal/Nonmetal   
Evaluate condition of conveyor belt drives, and fire suppression systems

Adequate  Inadequate  Not Applicable  Comments Below

60. Coal  Metal/Nonmetal   
Determine if all required record books are adequately completed and in compliance with applicable standards

Adequate  Inadequate  Not Applicable  Comments Below

62. Coal  Metal/Nonmetal   
Examine mine bulletin board and evaluate adequacy of all required postings

Adequate  Inadequate  Not Applicable  Comments Below

District

Field Office

Mine ID

Date

63. Coal  Metal/Nonmetal   
Interview responsible person(s) and evaluate knowledge of emergency response, evacuation procedures, and fire fighting processes

Adequate  Inadequate  Not Applicable  Comments Below

66. Coal  Metal/Nonmetal   
Determine if districts are conducting sufficient, in-depth Peer Reviews

Adequate  Inadequate  Not Applicable  Comments Below

67. Coal  Metal/Nonmetal   
Determine if MSHA headquarters is conducting sufficient, in-depth Peer Reviews

Adequate  Inadequate  Not Applicable  Comments Below

There were no headquarters Peer Review activities conducted in District 7 during 2007, and none have been conducted in 2008 as of the date of this audit due to accident investigations and internal review investigations. A review is scheduled for November 2008.

*Reference - Accountability Program Handbook (AH04-III-10), Headquarters Review Process - Review Schedules*

*Reference - Accountability Program Handbook (AH08-III-4), The Accountability Review Process - Review Frequency and Duration*

District

Field Office

Mine ID

Date

68. Coal  Metal/Nonmetal   
Determine if Peer Reviews identify root causes of deficiencies, corrective actions, set time lines for corrections, and identify a method for accurately measuring the success or failure of corrective actions.

Adequate  Inadequate  Not Applicable  Comments Below

77. Coal  Metal/Nonmetal   
Evaluate the two most current completed E01 (regular) inspection reports (two quarters)

Adequate  Inadequate  Not Applicable  Comments Below

Reference item 1 for event calendar deficiencies.

79. Coal  Metal/Nonmetal   
Citations, orders, and safeguards issued during previous two quarters

Adequate  Inadequate  Not Applicable  Comments Below

114. Coal  Metal/Nonmetal   
Determine if spreadsheets and/or databases provided for tracking of mine visits by supervisors and managers is kept up to date

Adequate  Inadequate  Not Applicable  Comments Below

United States Department of Labor  
Mine Safety and Health Administration  
Office of Accountability

District

Coal Dist 7

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Mine ID

[REDACTED]

Date

[REDACTED]

115.

Metal/Nonmetal

Evaluate the effectiveness of management's support of, and communication with, inspectors and specialists

Adequate

Inadequate

Not  
Applicable

Comments Below

[REDACTED]

Attachment B - PPE Stations

